UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region I

10.7.9

IN THE MATTER OF:

60 Olympia Avenue
Woburn, MA

George D. Whitten,
Charles D. Whitten, and
Amy Whitten, as Trustees of the
Olympia Nominee Trust,
39 Holton Street
Winchester, MA 01890,

RESPONDENTS.

Proceeding Under Section 106(a)
of the Comprehensive Environ-
mental Response, Compensation,
and Liability Act of 1980,
42 U.S.C. § 9606(a)

ADMINISTRATIVE ORDER

U.S. EPA Docket No.
I-86-1018

JURISDICTION

1. This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency (EPA) on August 14, 1981, by Executive Order 12316, 46 Fed. Reg. 42237, and further delegated to the Regional Administrator of EPA Region I by EPA Delegation No. 14-14-B, April 16, 1984. EPA has notified the State of Massachusetts of the issuance of this Order pursuant to the requirements of Section 106(a) of CERCLA.

2. The objective of this Order is to take appropriate action to abate an imminent and substantial endangerment that may exist due to the actual or threatened release of hazardous substances from drums located on Respondents' property.

PARTIES BOUND

3. This Order shall apply to and be binding upon the Respondents, their agents, successors, and assigns, and upon all persons, contractors, and consultants acting under or for the Respondents. No change in ownership relating to the Site shall in any way alter the Respondents' responsibility under this Order.

FINDINGS OF FACT

4. George D. Whitten, Charles D. Whitten, and Amy Whitten (collectively, "Respondents") are trustees of the Olympia Nominee Trust, 39 Holton Street, Winchester, Massachusetts 01890.

5. Respondents presently own property comprised of three parcels of land approximately 21.4 acres in size, located at 60 Olympia Avenue in Woburn, Massachusetts (hereinafter, "the Site").

6. On or about April, 1985, an EPA representative discovered, on the southwesterly portion of the Site,

approximately 12 exposed drums in various stages of corrosion. Some of the drums contained liquid and semi-solid material.

7. The EPA representative contacted EPA Environmental Services Division personnel who then performed an inspection of the drums and soil surrounding the drums on the Site in September, 1985. At the time of this inspection, samples from several of the drums were taken, and samples of the surface soil surrounding the drums were obtained. An analysis of the samples taken at the time of the inspection disclosed the presence of the following substances in the concentrations set forth:

Soil Contamination

1,1-Dichloroethane	11 parts per million (ppm)
1,1,1-Trichloroethane	49 ppm
Trichloroethylene	390 ppm
Tetrachloroethylene	32 ppm
Toluenes	4.1 ppm
Xylenes	6.9 ppm
Chlordane	51,000 ppm
PCB AROCLOR-1260	31,000 ppm

Drums

1,1,1-Trichloroethane	3 ppm
Tetrachloroethylene	74 ppm
Xylenes	6.1 ppm

ENDANGERMENT

8. The chemicals found in the soil and drums at the Site have the following hazardous properties:

a. Trichloroethylene and tetrachloroethylene have both been demonstrated to cause cancer in laboratory animals. Chronic exposure to either chemical can damage the central nervous system, liver and kidneys. Both chemicals readily penetrate the skin and lungs.

b. Both 1,1-dichloroethane and 1,1,1-trichloroethane can cause irritation to the eye and mucous membrane and act as a narcotic. 1,1-dichloroethane may cause kidney damage. 1,1,1-trichloroethane can cause depression of the central nervous system and acute pulmonary congestion when inhaled.

c. Trichloroethylene, tetrachloroethylene, 1,1-dichloroethane and 1,1,1-trichloroethane do not tend to cling to soil significantly. These compounds will volatilize into the air or migrate from the soil into the ground water.

d. Xylene and toluene both affect the central nervous system and may result in dizziness, nausea, and lack of coordination. Xylene and toluene can cause irritation of the upper respiratory tract, throat, eyes and skin.

Toluene may be an animal teratogen and can be rapidly fatal for very early embryos. Toluene and xylene tend to volatilize or migrate from the soil into the groundwater.

e. Chlordane is a pesticide which is toxic to the central nervous system and can cause instability, labored respiration, convulsions and death. It has been demonstrated to cause cancer in laboratory animals. Chlordane is very stable and persistent in the environment and can bioaccumulate.

f. Polychlorinated biphenyls (PCBs) are a group of chemicals that have been demonstrated to cause cancer in animals and are suspect human carcinogens. PCB's can cause liver damage, skin pigmentation, chloracne and may decrease fertility. PCBs can bioaccumulate and have been found in mothers' milk. It is very persistent and stable in the environment.

9. Access by the public to the exposed drums and their contents and contaminated soil at the Site is not restricted. Local residents on bicycles, motorcycles, and on foot have been seen in the area. These residents, children and other persons may wander onto the Site and become exposed to the contaminants in the soil or the

drums on the Site through ingestion, skin contact, and inhalation. In addition, similar exposures can occur to wildlife and domestic animals traveling on or through the Site.

10. The Site is situated over part of an aquifer that previously supplied water to the Town of Woburn and that remains an important natural resource in the area. This aquifer may have been or may become contaminated by migration of hazardous substances from the drum area.

CONCLUSIONS OF LAW

11. The Site is a "facility" as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

12. The Respondents are "persons" as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

13. Substances found in the drums and soil at the Site, as set forth above in paragraph 5, are "hazardous substances" as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

14. The past, present, and potential migration of such hazardous substances at the Site constitute an actual or threatened "release" as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

15. The Respondents are "owners" of the facility pursuant to Section 101(20)(A) of CERCLA, 42 U.S.C § 9601(20)(A).

16. The Respondents, as present "owners" of the Site, are responsible parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

DETERMINATIONS

Based on the Findings of Fact and Conclusions of Law above, EPA has determined:

17. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health or welfare or the environment within the meaning of Section 106 of CERCLA, 42 U.S.C. § 9606.

18. The actions required by this Order are necessary to protect the public health and welfare and the environment. Such actions are consistent with the National Contingency Plan, 40 C.F.R. Part 300.

ORDER

19. To abate the imminent and substantial endangerment which may be presented by circumstances at the Site and to protect public health and welfare and the environment, it is hereby ordered that the Respondents undertake the following activities within the specified time periods as set forth below:

20. Within twenty-four (24) hours of the effective date of this Order, Respondents shall: (1) retain the services of a qualified and experienced contractor to abate the imminent and substantial endangerment posed by the contamination in and around the drums on the Site, and (2) provide EPA with said contractor's name, address, telephone number, and qualifications.

21. Within three (3) days of the effective date of this Order, Respondents' contractor, referred to in paragraph 18 above, shall stabilize and secure the drums on the Site to insure that no further releases from the drums occur. Activities pursuant to this paragraph shall not be undertaken without the approval of the EPA On-Scene Coordinator.

22. Within fifteen (15) days of the effective date of this Order, Respondents shall submit to EPA a Project Operation and Investigation Plan (POIP). At a minimum this plan shall have provisions and a schedule for respondents to perform the following activities:

a. Soil and groundwater sampling, including specification of the locations and frequency of sampling; said samples shall be analyzed for all the contaminants on the EPA Hazardous Substance List enclosed as Appendix A of this Order.

b. Air quality monitoring before and during any sampling and excavation that may occur.

c. Ouality assurance/quality control (OA/OC) and chain of custody procedures consistent with EPA Guidance Document OAMS-005/80. Laboratory procedures used during this work shall be included as a portion of the contractor's OA/OC procedures. Laboratories performing chemical analyses shall at a minimum meet the following requirements for the analyses being performed:

(1) approval by the relevant State Laboratory Certification Program;

(2) participation in the National Proficiency Sample Program conducted by EPA;

(3) familiarity with the requirements of 48 C.F.R. Part 1546 (contractor requirements for quality assurance); and

(4) EPA approval of a OA/OC Plan for relevant analyses as part of the contractor's OA/OC procedures.

d. Health and safety procedures that will be used by workers during investigative and removal work, including specifications for protective clothing and appropriate levels of respiratory protection. Health and safety procedures shall be in compliance with all applicable state and federal occupational

health and safety regulations and all applicable guidance from EPA Standard Operating Safety Guides, 1984.

e. Procedures for the Respondents to provide technical briefings regarding work plans and work performed upon EPA's request to the public or EPA.

f. Specification of off-site destinations and manifesting procedures to be used in the removal of any materials to be transported off-site for treatment, storage, reuse or disposal.

23. EPA will review the aforementioned POIP as submitted by the Respondents and require modifications or changes as necessary. EPA will then approve the aforementioned POIP and so notify the Respondents in writing.

24. Upon receipt of EPA notification of approval of the Project Operations and Investigation Plan, the Respondents shall within three (3) days begin executing the approved POIP in accordance with the approved implementation schedule contained in the POIP.

25. Within sixty (60) days of the completion of the on-site work specified in the approved Project Operations and Investigations Plan, Respondents shall submit a Summary and Proposal to EPA detailing the results of and recommendations issuing from this work. At a minimum this Summary and Proposal shall include:

a. copies of all analytical results and field notes generated during the stabilization and sampling actions;

b. QA/QC control documentation on these results;

c. a description, with appropriate maps, of any areas of contamination or suspected contamination encountered on-site;

d. a proposal for additional soil or ground water testing and analyses, if necessary;

e. a proposal for removal or abatement of soil contamination and groundwater contamination in the vicinity of the drums;

f. a proposal for removal of the drums; and

g. a schedule for implementing additional testing and analysis, and removal or abatement activities.

26. EPA will review the aforementioned Summary and Proposal as submitted by the Respondents and require modifications or changes as necessary. EPA will then approve the aforementioned Summary and Proposal and so notify the Respondents in writing.

27. Within three (3) days of EPA approval of the Summary and Proposal, Respondents shall begin to implement the approved removal or abatement actions set forth in the Summary and Proposal, in compliance with the approved schedule contained therein.

28. Designation of Coordinators: Within twenty-four hours of the effective date of this Order, Respondents shall designate a coordinator, who shall be responsible for administration of all actions called for by this Order, and shall submit the coordinator's name to EPA. EPA will during the same time period designate a coordinator for the administration of its responsibilities and for receipt of all written matter required by this Order and will submit the coordinator's name and address to Respondents. In addition, EPA will designate an On-Scene Coordinator (OSC) to oversee activities undertaken at the Site pursuant to this Order.

29. Respondents shall allow EPA's designated coordinator, OSC and other EPA employees, agents, consultants, contractors and authorized representatives to enter and freely move about the Site at all reasonable times, including, but not limited to, any time that work is being carried out pursuant to this Order, for the purpose of inspecting and observing progress in implementing the activities undertaken pursuant to this Order and for the purpose of verifying the data submitted to EPA. Respondents shall permit such persons to inspect and copy all records, documents and other writings in any way pertaining to work undertaken pursuant to this Order.

30. All activities undertaken by the Respondent in the implementation of this Order shall be performed consistent with: (a) the provisions of the National Contingency Plan, 40 C.F.R. Part 300; and (b) all other applicable Local, State and Federal laws, regulations, and rules, including those relating to occupational health and safety.

31. Respondents shall preserve, during the pendency of this Order and for a minimum of six (6) years after its termination, all records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys that relate in any way to the Site, despite any document retention policy to the contrary. After this six year period, the Respondents shall notify EPA within thirty (30) calendar days prior to the destruction of any such documents.

32. Any reports, plans, specifications, schedules, and attachments required by this Order are, upon approval by EPA, incorporated into this Order. Failure by Respondents to comply with such EPA approved reports, plans, specifications, schedules, and attachments shall be considered a failure to achieve the requirements of this Order.

RESERVATION OF RIGHTS

33. Notwithstanding any provision of this Order, EPA reserves the right to take any enforcement action pursuant to CERCLA and/or any available legal authority, including the right to seek injunctive relief, monetary penalties, and punitive damages for any violation of law or this Order.

TERMINATION AND SATISFACTION

34. The provisions of this Order shall be deemed satisfied upon Respondents' receipt of written notice from EPA that Respondents have demonstrated, to the satisfaction of EPA, that all of the terms of this Order have been completed.

PENALTIES FOR NON-COMPLIANCE

35. Pursuant to Section 106(b), 42 U.S.C. § 9606(b), and Section 107(c), 42 U.S.C. § 9607(c), of CERCLA, Respondents are advised that willful violation or failure or refusal to comply with this Order, or any portion thereof, may subject them to a civil penalty of not more than $5,000.00 for each day in which violation occurs or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause, may also subject Respondents to liability for punitive damages in the amount of three times the total of all costs incurred by the government as a result of his failure to take proper action.

EFFECTIVE DATE - OPPORTUNITY TO CONFER

36. This Order is effective on the date of receipt by Respondents. Respondents may, within three (3) business days after receipt of this Order, request a conference with EPA to discuss the Order; its applicability to Respondents; the correctness of any factual determinations upon which the Order is based; and the appropriateness of any action that Respondents are ordered hereby to take. However, Respondents are hereby placed on notice that EPA may take any action, including the actions described in this Order, that may be necessary in the opinion of EPA for the protection of public health and welfare and the environment, and Respondents may be liable under §107(a) of CERCLA for the costs of those government actions. At any conference held pursuant to Respondents' request, Respondents may appear in person and/or by attorney or other representative for the purpose of presenting any objections, defenses or contentions that Respondents may have regarding this Order. If Respondents desire such a conference, they should contact Linda L. Ujifusa, Esquire, Office of Regional Counsel, U.S. Environmental Protection Agency, Region I, 22nd Floor, JFK Federal Building, Boston, Massachusetts 02203 at (617) 223-0400 within the time set forth above for requesting a conference.

Issued at Boston, Massachusetts this 7th day of February, 1983.

for Michael R. Deland
Regional Administrator

LAB NAME _____

LAB SAMPLE ID. NO. _____ SC REPORT NO. _____

TASK 1 (Elements to be Identified and Measured)

		ug/l or mg/kg (circle one)			ug/l or mg/kg (circle one)
1.	Aluminum		10.	Zinc	
2.	Chromium		11.	Boron	
3.	Barium		12.	Vanadium	
4.	Beryllium		13.	Silver	
5.	Cobalt				
6.	Copper				
7.	Iron				
8.	Nickel				
9.	Manganese				

TASK 2 (Elements to be Identified and Measured)

		ug/l or mg/kg (circle one)			ug/l or mg/kg (circle one)
1.	Arsenic		5.	Mercury	
2.	Antimony		6.	Tin	
3.	Selenium		7.	Cadmium	
4.	Thallium		8.	Lead	

TASK 3 (Elements to be Identified and Measured)

		ug/l or mg/kg (circle one)
1.	Ammonia	
2.	Cyanide	
3.	Sulfide	

COMMENTS:

PP #	CAS #	
(1A)	[illegible]	[illegible]
(2A)	[illegible]	p-chloro-m-cresol
(2=A)	95-57-8	2-chlorophenol
(3A)	120-83-2	2,4-dichlorophenol
(34A)	105-67-9	2,4-dimethylphenol
(57A)	88-75-5	2-nitrophenol
(58A)	100-02-7	4-nitrophenol
(59A)	51-28-5	2,4-dinitrophenol
(60A)	534-52-1	4,6-dinitro-2-methylphenol
(64A)	87-86-5	pentachlorophenol
(65A)	108-95-2	phenol

BASE/NEUTRAL COMPOUNDS

(1B)	83-32-9	acenaphthene
(5B)	92-87-5	benzidine
(8B)	120-82-1	1,2,4-trichlorobenzene
(9B)	118-74-1	hexachlorobenzene
(12B)	67-72-1	hexachloroethane
(18B)	111-44-4	bis(2-chloroethyl)ether
(20B)	91-58-7	2-chloronaphthalene
(25B)	95-50-1	1,2-dichlorobenzene
(26B)	541-73-1	1,3-dichlorobenzene
(27B)	106-46-7	1,4-dichlorobenzene
(28B)	91-94-1	3,3'-dichlorobenzidine
(35B)	121-14-2	2,4-dinitrotoluene
(36B)	606-20-2	2,6-dinitrotoluene
(37B)	122-66-7	1,2-diphenylhydrazine
(39B)	206-44-0	fluoranthene
(40B)	7005-72-3	4-chlorophenyl phenyl ether
(41B)	101-55-3	4-bromophenyl phenyl ether
(42B)	39638-32-9	bis (2-chloroisopropyl) ether
(43B)	111-91-1	bis (2-chloroethoxy) methane
(52B)	87-68-3	hexachlorobutadiene
(53B)	77-47-4	hexachlorocyclopentadiene
(54B)	78-59-1	isophorone
(55B)	91-20-3	naphthalene
(56B)	98-95-3	nitrobenzene
(62B)	86-30-6	N-nitrosodiphenylamine
(63B)	621-64-7	N-nitrosodipropylamine
(66B)	117-81-7	bis (2-ethylhexyl) phthalate
(67B)	85-68-7	benzyl butyl phthalate
(68B)	84-74-2	di-n-butyl phthalate
(69B)	117-84-0	di-n-octyl phthalate
(70B)	84-66-2	diethyl phthalate
(71B)	131-11-3	dimethyl phthalate
(72B)	56-55-3	benzo(a)anthracene

BASE/NEUTRAL COMPOUNDS

PP #	CAS #		ug/l or ug/kg (circle one)
(73B)	50-32-8	benzo(a)pyrene	
(74B)	205-99-2	benzo(b)fluoranthene	
(75B)	207-08-9	benzo(k)fluoranthene	
(76B)	218-01-9	chrysene	
(77B)	208-96-8	acenaphthylene	
(78B)	120-12-7	anthracene	
(79B)	191-24-2	benzo(ghi)perylene	
(80B)	86-73-7	fluorene	
(81B)	85-01-8	phenanthrene	
(82B)	53-70-3	dibenzo(a,h)anthracene	
(83B)	193-39-5	indeno(1,2,3-cd)pyrene	
(84B)	129-00-0	pyrene	

VOLATILES

(2V)	107-02-8	acrolein
(3V)	107-13-1	acrylonitrile
(4V)	71-43-2	benzene
(6V)	56-23-5	carbon tetrachloride
(7V)	108-90-7	chlorobenzene
(10V)	107-06-2	1,2-dichloroethane
(11V)	71-55-6	1,1,1-trichloroethane
(13V)	75-34-3	1,1-dichloroethane
(14V)	79-00-5	1,1,2-trichloroethane
(15V)	79-34-5	1,1,2,2-tetrachloroethane
(16V)	75-00-3	chloroethane
(19V)	110-75-8	2-chloroethylvinyl ether
(23V)	67-66-3	chloroform
(29V)	75-35-4	1,1-dichloroethene
(30V)	156-60-5	trans-1,2-dichloroethene
(32V)	78-87-5	1,2-dichloropropane
(33V)	10061-02-6	trans-1,3-dichloropropene
	10061-01-05	cis-1,3-dichloropropene
(38V)	100-41-4	ethylbenzene
(44V)	75-09-2	methylene chloride
(45V)	74-87-3	chloromethane
(46V)	74-83-9	bromomethane
(47V)	75-25-2	bromoform
(48V)	75-27-4	bromodichloromethane
(49V)	75-69-4	fluorotrichloromethane
(50V)	75-71-8	dichlorodifluoromethane
(51V)	124-48-1	chlorodibromomethane
(85V)	127-18-4	tetrachloroethene
(86V)	108-88-3	toluene
(87V)	79-01-6	trichloroethene
(88V)	75-01-4	vinyl chloride

PESTICIDES

PP #	CAS #		ug/l or ug/kg (circle one)
(89P)	309-00-2	aldrin	
(90P)	60-57-1	dieldrin	
(91P)	57-74-9	chlordane	
(92P)	50-29-3	4,4'-DDT	
(93P)	72-55-9	4,4'-DDE	
(94P)	72-54-8	4,4'-DDD	
(95P)	115-29-7	α-endosulfan	
(96P)	115-29-7	β-endosulfan	
(97P)	1031-07-8	endosulfan sulfate	
(98P)	72-20-8	endrin	
(99P)	7421-93-4	endrin aldehyde	
(100P)	76-44-8	heptachlor	
(101P)	1024-57-3	heptachlor epoxide	
(102P)	319-84-6	α-BHC	

PESTICIDES

PP #	CAS #		ug/l or ug/kg (circle one)
(103P)	319-85-7	β-BHC	
(104P)	319-86-8	δ-BHC	
(105P)	58-89-9	γ-BHC (lindane)	
(106P)	53469-21-9	PCB-1242	
(107P)	11097-69-1	PCB-1254	
(108P)	11104-28-2	PCB-1221	
(109P)	11141-16-5	PCB-1232	
(110P)	12672-29-6	PCB-1248	
(111P)	11096-82-5	PCB-1260	
(112P)	12674-11-2	PCB-1016	
(113P)	8001-35-2	toxaphene	

DIOXINS

(129B)	1746-01-6	2,3,7,8-tetrachlorodibenzo-p-dioxin	

Non-Priority Pollutant Hazardous Substances List Compounds

ACID COMPOUNDS

CAS #		ug/l or ug/kg (circle one)
65-85-0	benzoic acid	
95-48-7	2-methylphenol	
108-39-4	4-methylphenol	
95-95-4	2,4,5-trichlorophenol	

BASE/NEUTRAL COMPOUNDS

62-53-3	aniline	
100-51-6	benzyl alcohol	
106-47-8	4-chloroaniline	
132-64-9	dibenzofuran	
91-57-6	2-methylnaphthalene	
88-74-4	2-nitroaniline	
99-09-2	3-nitroaniline	
100-01-6	4-nitroaniline	

VOLATILES

CAS #		ug/l or ug/kg (circle one)
67-64-1	acetone	
78-93-3	2-butanone	
75-15-0	carbondisulfide	
519-78-6	2-hexanone	
108-10-1	4-methyl-2-pentanone	
100-42-5	styrene	
108-05-4	vinyl acetate	
95-47-6	o-xylene	

4/82